

remains prepared to receive and administer the COVID-19 vaccine as it is made available. The BOP has received 58,130 doses and administered 59,007 doses of the COVID-19 vaccine.

Total Doses Distributed

58,130

Total Doses Administered

59,007

Learn more about vaccinations and view individual facility stats +

COVID-19 Cases

02/26/2021 - The BOP has **124,482** federal inmates in BOP-managed institutions and **13,731** in community-based facilities. The BOP staff complement is approximately **36,000**. There are **1,408 federal inmates** and **1,622 BOP staff** who have confirmed positive test results for COVID-19 nationwide. Currently, **46,276** inmates and **4,868** staff have recovered. There have been **222** federal inmate deaths and **4** BOP staff member deaths attributed to COVID-19 disease. Of the inmate deaths, **4** occurred while on home confinement.

Due to the rapidly evolving nature of this public health crisis, the BOP will update the open COVID-19 confirmed positive test numbers, recoveries, and the number of COVID-19 related deaths each weekday at 3:00 p.m. The positive test numbers are based on the most recently available **confirmed lab results** involving **open cases** from across the agency as reported by the BOP's Office of Occupational Health and Safety at 11:00 a.m. each day. BOP field sites may report additional updates throughout the day. Data is subject to change based on additional reporting.

The BOP has begun additional testing of asymptomatic inmates to assist in slowing transmissions within a correctional setting. As such, our data reflects an increase in the number of COVID-19 positive tests reflected in the table below. The BOP is able to better utilize this information for the management of an outbreak at the relevant, affected facility.

The inmate totals listed do not include inmates participating in the Federal Location Monitoring program, inmates supervised under the USPO, or being held in privately-managed prisons or state facilities/jails. Additionally, the reference to the FCI Butner Low below refers to an isolation unit that is physically separated from the rest of the LSCI. References to RRCs include both individuals housed at the RRC and individuals on home confinement under the RRC's supervision.

McDowell FCI	7	4	0	0	413	44	Welch	WV
Miami FDC	7	40	2	0	168	21	Miami	FL
San Diego MCC	7	1	1	0	261	35	San Diego	CA

Texas State Prison	7	22	1	0	612	64	Texas State Prison	TX
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02/12/2021 - The BOP has **123,801** federal inmates in BOP-managed institutions and **13,867** in community-based facilities. The BOP staff complement is approximately **38,000**. There are **1,606** federal inmates and **1,683** BOP staff who have confirmed positive test results for COVID-19 nationwide. Currently, **45,252** inmates and **4,631** staff have recovered. There have been **221** federal inmate deaths and **4** BOP staff member deaths attributed to COVID-19 disease. Of the inmate deaths, **4** occurred while on home confinement.

Due to the rapidly evolving nature of this public health crisis, the BOP will update the open COVID-19 confirmed positive test numbers, recoveries, and the number of COVID-19 related deaths each week by 5:00 p.m. The positive test numbers are based on the most recently available confirmed lab results involving open cases from across the agency as reported by the BOP's Office of Occupational Health and Safety at 11:00 a.m. each day.
BOP field sites may report additional updates throughout the day. Data is subject to change based on additional reporting.

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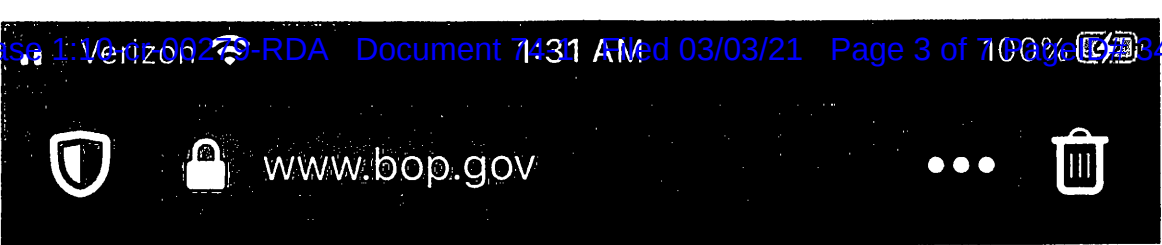
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Medium I FCI	7	12	2	1	656	69	Victorville	C.
Big Spring FCI	6	11	3	0	780	0	Big Spring	TX
Canaan USP	6	10	0	0	281	53	Waymart	PA
Kaeton Corrections Inc. (RRC)	6	0	0	0	0	0	Pensacola	FL
Hazleton USP	5	13	0	0	64	147	Bruceton Mills	WV
McDowell FCI	5	4	0	0	415	44	Welch	WV
McKean FCI	5	0	0	0	451	0	Lewis Run	PA
Montgomery FPC	5	14	0	0	86	2	Montgomery	AL

Confirmed active cases at 177 BOP facilities and 28 RRCs



Source: Bureau of Prisons, February 12, 2021



02/09/2021 - The BOP has **123,668** federal inmates in BOP-managed institutions and **13,710** in community-based facilities. The BOP staff complement is approximately **36,000**. There are **1,688 federal inmates** and **1,723 BOP staff** who have confirmed positive test results for COVID-19 nationwide. Currently, **44,875** inmates and **4,542** staff have recovered. There have been **218** federal inmate deaths and **4** BOP staff member deaths attributed to COVID-19 disease. Of the inmate deaths, **4** occurred while on home confinement.

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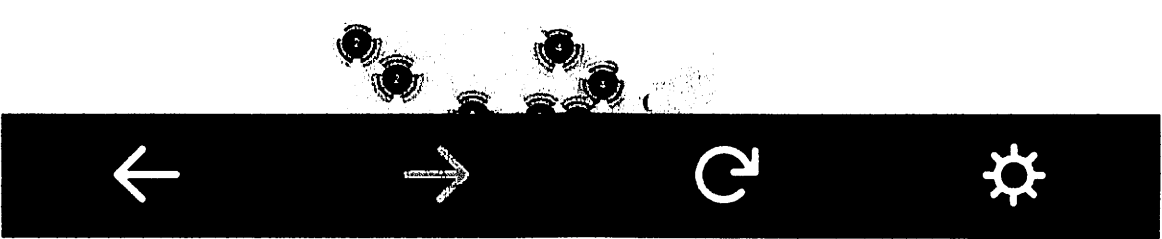
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Morgantown FCI	14	5	0	0	220	25	Morgantown	W
Lexington FMC	13	8	9	0	738	70	Lexington	K
Pensacola FPC	13	9	0	0	34	12	Pensacola	FI
Cumberland FCI	12	10	0	0	379	40	Cumberland	M
Fairton FCI	12	31	1	0	271	17	Fairton	N
McDowell FCI	12	4	0	0	410	44	Welch	W
Oklahoma City FTC	12	59	2	0	440	10	Oklahoma City	O

Confirmed active cases at 126 BOP facilities and 33 RRCs



1. 10-CR-279 (RDA) In more positive news, H.R. 3884, which passed the House, would federally decriminalize cannabis (marijuana), expunge the records of people convicted of federal cannabis offenses, and require resentencing of some federal prisoners. This bill, if and when it becomes law, would result in thousands of time-served releases of marijuana prisoners after required resentencings, as well as additional funding for programming.

Thanks to COVID, the concept of restorative justice is gaining wider acceptance.

The 4th Circuit became the fourth circuit to embrace a robust view of sentence reduction authority under 3582(c)(1)(A) after FSA. *US v. McCoy*, 20-6821 (Dec. 2, 2020), following *Zullo* from the 2d Circuit. The 7th Circuit reversed and remanded denial of a CR: "Until...§1B1.13 is amended,...the Guidelines...lack an 'applicable' policy statement covering prisoner-initiated applications for compassionate release...judges must operate under the statutory criteria—extraordinary and compelling reasons." *US v. Gunn*, 20-1959, 11-20-20. Also, potentially significant is *Wright v. Beck*, 19-55084, (9th Cir. 2020), in which dismissal of a 1983 action in a firearms seizure was reversed, and based upon a Monell failure-to-train, and on due process and 4th Amendment grounds.

Be not afraid, and let not your heart be troubled.

Federal Legal Center, Derek A Gilna, JD, MARJ, Director

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"Derek Gilna's Criminal Justice Blog" on Google Blogspot.

Posted by Derek Gilna's Federal Legal News at 5:43 PM

Monday, December 7, 2020

BOP and DOJ COVID-19 Ineptitude and Dysfunction Will Have to be Addressed by President Biden's Criminal Justice Team

DOJ COVID Confusion Won't End Under Biden; Vaccine Rumors Are Only That

by Derek Gilna

Two headlines in the last week relating to prisoners caught my eye. First, AG Barr is hinting that he will resign before the end of Trump's term, stating that he "has done everything that he wanted to do as AG," and there's no reason to stick around. That would explain Barr's disinterest in enforcing his own COVID memo encouraging prisoner releases.

The second headline concerns the availability of the COVID-19 vaccines for prisoners. Contrary to rumor (misinformation), don't expect those to find their way into federal prisons anytime soon. When it comes, guards will get it first (Source: AP), prisoners, in late 2021.

Biden's criminal justice advisors in Congress, including Corey Booker, are well aware of DOJ's ineptitude in its virus response, as shown by this week's House Oversight Committee grilling of the Director. I wish Biden the best of luck in unraveling the dysfunctional prison bureaucracy and holding it and the US Marshals responsible for flying infected prisoners all over the country. It won't be easy. According to guard union complaints, staff is burning out due to augmentation, illness, and stress: "We have nurses working in a housing unit. How do you justify reassigning a nurse?" If they're in the housing unit, they're not handling sick call or treating COVID patients.

Biden can be expected to re-task the U.S. Sentencing Commission to review current guidelines, and issuing formal guidance to reduce unreasonable long sentences and promote rehabilitation. This, working with FSA, should also reduce prisoner counts.

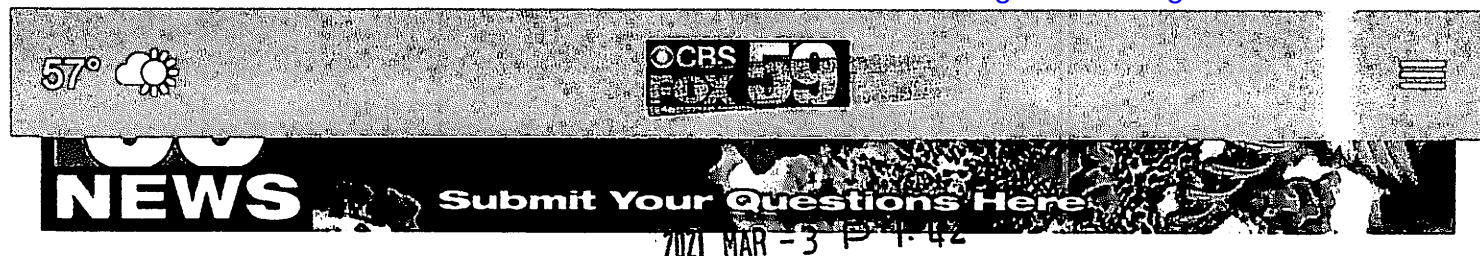
Current infection counts: Ft. Dix, 750+; FPC Duluth, 200+, out of 293' McKean, 75; Ashland, 261, 5 hospitalized, 1 death; Terre Haute, 470; Rochester, 110; Carswell, 80+; Lexington, 5 of 9 units locked, 330 +; McDowell 120, some in hospital, perhaps 4 on ventilators; Pekin, men 80+, women, 120; and Forrest City, 100, with reinfections;

According to a new study, "Patients from ethnic minority groups are disproportionately affected by Coronavirus disease (COVID-19). We performed a systematic review and meta-analysis to explore the relationship between ethnicity and clinical outcomes in COVID-19."

57° **WEATHER ALERTS / Flood Advisory: Mercer, Summers****LOCAL NEWS**

UPDATE: Bureau of Prisons responds to positive cases at FCI McDowell

**by: David Horak****Posted: Oct 8, 2020 / 03:00 PM EDT / Updated: Oct 8, 2020 / 03:18 PM EDT**



CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA
Thursday, October, 8, 2020 at 3:30 p.m. UPDATE: WELCH, WV (WVNS) — The Federal Bureau of Prisons (BOP) responded to concerns about positive COVID-19 cases at FCI McDowell.

According to the BOP, there are currently two inmates and one staff member with COVID-19 at FCI McDowell. Four additional staff members recovered from COVID-19. The two positive inmates were also placed in medical isolation and separated from the rest of the inmate population.

The BOP said it is carefully monitoring the spread of COVID-19 throughout all of its facilities, including FCI McDowell. Regarding the transfer of inmates, the BOP said under federal law, it is required to accept inmates awaiting trial and newly-convicted inmates. The BOP claimed it has no authority to refuse inmates brought to the facility by U.S. Marshals.

All newly admitted inmates are reportedly screened and their temperatures are checked. They are also placed in quarantine when they arrive.

Wednesday, October, 7, 2020 ORIGINAL STORY: WELCH, WV (WVNS) — A union leader is sounding the alarm, saying he and other people tested positive for COVID-19 at a federal prison in McDowell County.

Brian Lucas, who serves as union leader for American Federation of Government Employees (AFGE) Local 480, said he and around 200 correctional officers and staff members are dealing with positive coronavirus cases at the Federal Correctional Institution in Welch.



Where these particular inmates came from is concerning, according to Lucas. He explained the Federal Bureau of Prisons, which runs FCI McDowell, has procedures in place to quarantine officers, ^{2021 MAR - 3 P 1:42} ~~staffers, and prisoners~~ ^{CLERK US DISTRICT COURT} in case of a possible COVID-19 outbreak.

"Any time we transfer our inmates, they have to have a negative test," Lucas said. "They are quarantined for a minimum of 14 days."

According to him, these 100 prisoners are from jails that are not run by the federal government, which do not follow the same protocols.

"I knew it was a matter of time as soon as we started getting them and processing them and doing testing on the inmates... We just started having our numbers increase with positive cases."

From March to mid-September, Lucas said there were no inmate cases and a few non-work related cases from staff members not spread within the institution; however, since those inmates arrived, he told us a few positive cases were reported among inmates, staff members, and correctional officers, including him.

"I'm currently quarantined here at my house," Lucas said. "My kids are also quarantined. They're out of school, out of their sports, missing soccer tournaments, and so on."

While Lucas could not comment on what the Federal Bureau of Prisons is doing to combat these developments, he is waiting for help from the offices of U.S. Sen. Joe Manchin (D-WV) and Gov. Jim Justice (R-WV).

59News is waiting for responses from both the U.S. Marshal's Service and the Federal Bureau of Prisons